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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,413	03/21/2001	Jaak Jurimae	56139998-2	2395

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EXAMINER

BRAHAN, THOMAS J

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 06/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/813,413

Applicant(s)
JURIMAE et al

Examiner
Thomas J. Brahan

Art Unit
3652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 21, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

1. Restriction to one of the following inventions is required under 35 U.S.C. § 121:
 - I. Claims 1-21, drawn to a tower crane, classified in class 212, subclass 176.
 - II. Claims 22-24, drawn to a method of climbing a crane, classified in class 212, subclass 270.
2. The inventions and are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus, as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case both process and the apparatus, as each are claimed, can be used with a materially different apparatuses and processes, such as with cranes which climb and assemble towers, such as those from disclosed in the references of GB 1,173,524, GB 1,456,435, and DT 23 12 509.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. To expedite prosecution, an action on the merits of both follows.
5. The disclosure is objected to because of the following informalities. Appropriate correction is required. No new matter may be entered.
 - a. It is unclear as to what would be the function of the guide rails on outer frame 42, see page 6, line 14. Page 7, line 9 also has similar guide rails disclosed for the platform on the upper basket.
 - b. On page 6, lines 16 and 17, it is unclear as to how the applicant is considering the vertical beams as attached to each other.
 - c. The last three lines of page 8 discuss a yoke 88 as being shown in figures 8, 9, and 10. However these drawings do not have a reference numeral 88.
 - d. The last two lines of page 8 have a main plate 90 with a through hole 92. However the structure shown in figures 8 and 9 with reference numeral 92 does not appear as a through hole.
 - e. The first line of page 9 of the specification discusses plates 96 and ribs 98 which are not labeled in any drawings.

f. Page 10, lines 16 and 17 have the climbing frame 60 and upper basket 16 raised through the tower 10. How are these considered as raised "through" the tower? This is not understood. The first line of page 11 also has the lifting frame as raised "through" the tower.

g. In drawing figure 1, it is unclear as to how the climbing frame 60 can be shown as above the platform frame 61, when the specification at page 7, lines 16 and 17, and the drawing figure 12 has the platform frames attached to the opposite sides of the climbing frame.

h. Drawing figure 4 has the reference numeral 61 for labeling an element which is above climbing frame 60, when the specification, page 7, lines 16 and 17, and drawing figure 12, have the platform frame 61 as mounted to two opposite sides of the climbing frame 60.

i. Drawing figure 8 has reference numeral 94 which is not in the specification.

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Appropriate correction is required. No new matter may be entered.

- a. The specification fails to discuss the at least three clamps recited in claim 3.
- b. The specification fails to discuss the three yokes of claim 6.
- c. The specification fails to discuss the frame locker and basket locker of claim 11.

7. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the three clamps of claim 3, the three yokes and the threaded rod of claim 6, the frame locker and basket locker of claim 11, and the concrete structure with holes of claim 21, must be shown, or the features must be canceled from the claims. No new matter may be entered.

8. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate description of the claimed invention.

a. The structure of clamps 88 is not understood. The description at the bottom of page 8 through the top of page 9 is not understood. The structure discussed cannot be correlated with drawing figures 8-10.

b. How is applicant considering the device as having three clamps, as recited in claim 3? Are there three clamps at each outrigger, or three clamps at each basket? Where are three clamps discussed in the specification?

c. The structures of the dogs 70 and dogs 80 are not understood. How do the dogs rotate? They have upper and lower pins, as shown figure 5B. Neither of the pins are disclosed as removable. An element with two parallel pins cannot rotate. It is also unclear as to how removing locking pin 76 permits the dog to pivot. Note that the locking pin 76 extends through the pin attached to the handle 74 and does not appear to have a locking function.

d. What are the frame locker and basket locker of claim 11? These terms are not found in the specification.

10. Claims 1-24 are rejected under 35 U.S.C. § 112, first paragraph, because the dog structures are inoperative, and a climbing crane with inoperative dogs cannot function. Claims 3, 6, and 11-14 have not been further treated in the rejections based upon prior art as their structures are not fully understood.

11. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

12. Claims 7-14, 16-18, are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 7, it is unclear as to how applicant is considering the lower frame (36) as having a larger diameter than the upper frame (30). Note that page 6, lines 6-8 has the horizontal arms (40) as attached to the lower frame 36, not part of the lower frame. Claim 16 has a similar limitation.

b. In claim 7 it is unclear as to which arms are being claimed as the plurality of arms in line 4. The first part of the limitation has the arms coupling the upper frame (30) to the lower frame (36) as to be discussing arms 32. However the second part of the limitation has the arms extending to a support stub, as to be discussing arms 34, 38 or 40.

c. In claim 8, it is unclear as to how the support stubs of line 4 are different from the support stubs of claim 1.

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1, 2, 4, 5, 8-10, 15, and 21-24, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by GB 1,173,524. GB '524 shows a tower crane with an upper basket (11, 11), a lower basket (sliding frame 17) supporting a tower crane, and a plurality of stubs (20 or 41) on column members (2). The lower basket has outriggers with feet (36 or 42) engaging stubs (41), see figures 9 and 10, as recited in claims 2, 4 and 15. The stub members (41) are formed as angle irons with webs at right angles to each other, as recited in claim 5. Cylinder 10 is a lifter attached to the baskets, as recited in claims 9 and 10.


15. Claims 1-5, 7-10, 15-18, 20 and 21, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by GB 1,456,435. GB '435 shows a tower crane with a basket (2 or 3) supporting a tower crane, and a plurality of stubs (7) on column members (6). The basket has outriggers (9 or 13), see figures 6 and 7, as recited in claims 2. The basket has at least three clamps (8 or 12) as recited in claim 3. The clamps can also be considered as the foot members of claims 4 and 15. Note that claim 4 does not depend from claim 3, as to permit the detentes to be considered as clamps as well as outrigger foot members. The scaffolding shown in figure 5 can be considered as an upper frame of the lower basket, with the ring (3) as the lower frame of larger diameter, as recited in claimed 7 and 16. The hydraulic lifter (5) has an upper mounting frame which is considered as a climbing frame sliding coupled to the tower, with the lifter raising

the climbing frame when the second basket (3) is stationary, and raising the basket (3) when the climbing frame is stationary, as recited in claims 9 and 10.

16. Claims 19-21, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by DE 23 12 509. DE '509 shows a tower crane comprising a lower basket with outriggers attached at the corners and including foot members (26) which engage column stubs (66). When considering claim 21, the pins (66) are part of the outriggers which engage holes in the concrete structure.

17. Clapp, Johansson et al, SU 422,679, DE 26 58 025 and JP 2001-10780 are cited as showing tower cranes which climb through buildings, similar to applicant's disclosure. DE 28 46 819 and DE 27 21 268 show clamping connections for climbing cranes. SU 740,700 shows a climbing crane with a sliding lifting frame.

18. An inquiry concerning this action should be directed to Examiner Thomas J. Brahan at telephone number (703) 308-2568 on Mondays through Fridays from 9:30-7:00 EST. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for Technology Center 3600 is (703) 305-7687.


THOMAS J. BRAHAN
PRIMARY EXAMINER